



MINUTES OF THE REGULAR MEETING
OF THE
BOARD OF COMMISSIONERS
FOR THE
COUNTY OF LEE, STATE OF NORTH CAROLINA

JANUARY 23, 2006

The regular meeting of the Board of Commissioners for the County of Lee, State of North Carolina, convened at 3:00 p.m. in the Commissioners' Room, Lee County Government Center, 106 Hillcrest Drive, Sanford, North Carolina, on said date. Commissioners present were W. Chad Adams, Robert H. Brown, Herbert A. Hincks, Jerry M. Lemmond, Nathan E. Paschal, Robert T. Reives, and Amy L. Stevens.

Chairman Hincks presided and the following business was transacted:

County Attorney K. R. Hoyle delivered the invocation.

Chairman Hincks led the pledge of allegiance.

The Board considered additions/changes to the agenda. Commissioner Reives asked for an update on the Mental Health program. County Manager David Smitherman asked that a closed session be held to hear an update on the location of a business in the area per N.C.G.S. 143-318.11(a)(4); to discuss a personnel matter per N.C.G.S. 143-318.11(a)(6); and to consult with the County Attorney concerning an attorney-client privilege per N.C.G.S. 143-318.11(a)(3). Mr. Smitherman also furnished the Board with additional information concerning an item on the consent agenda for a salary increase for the Lead Interpreter position located in the Lee County Health Department. Commissioner Lemmond moved to approve the above additions to the agenda. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens

Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Board considered consent agenda items. Commissioner Lemmond asked that he be excused from voting on Tax Releases and Refunds for December 2005 since his family was listed on that release report. Commissioner Adams moved to approve Commissioner Lemmond's request to be excused from voting on Tax Releases and Refunds for December 2005. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens
Nay: None

The Chairman ruled the motion had been adopted unanimously.

Commissioner Adams moved to approve the consent agenda as printed (minus Tax Releases and Refunds for December 2005) which consisted of the following items:

- Approval to fill vacant Tax Assistant II position in the Tax Office
- Approval to fill Processing Assistant III position in Medicaid Department at Social Services
- Proclamation to proclaim January 27, 2006 as *Military Personnel and Families Appreciation Day in Lee County* (copy attached)
- Purchase of ten (10) new patrol vehicles for the Sheriff's Department
- Proposal of Phase I for color orthophotography images for Strategic Services Department
- Bid for roof replacement at Mental Health facility to McRae Roofing at a price of \$73,382.00
- Application for Library Services and Technology Act "EZ Planning Grant"
- Renewal contract for athletic officials for Parks & Recreation
- Approval of FY 2006 budget calendar
- Budget amendment # 01/23/06/#11 (copy attached)
- Acceptance of State WIC Program funding in the amount of \$5,913
- Increased work schedule from 80% to 100% for Environmental Health Specialists Ms. Jeanne West
- Approval to apply for grant to expand interpreter positions in the Health Department
- Approval of salary increase and reclassification for Lead Interpreter position in the Health Department and addition of the new classification (Foreign Language Interpreter II) position to the Lee County Pay Plan at Grade Assignment 63
- Approval to increase earned annual leave time for Animal Control Officer Mr. Floyd Messer
- Approval for the Health Department to apply for two grants from the Lee County Partnership for Children in the amounts of \$20,000 and \$30,000 respectively
- Grant funding for graphical information capabilities for the Health Department in the amount of \$20,000
- Resolution for statewide effort to be consistent and uniform in receipt and distribution of flu vaccines (copy attached)
- Facility Needs Assessments to the State Board of Education for the Lee County Schools (copy attached)

Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens
Nay: None

The Chairman ruled the motion had been adopted unanimously.

Commissioner Adams moved to approve Tax Releases and Refunds for December 2005 as listed on the consent agenda. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Paschal, Reives, and Stevens
Nay: None
Abstain: Lemmond

The Chairman ruled the motion had been adopted unanimously.

No one signed up to speak during the Public Comments section of the meeting.

Revaluation Coordinator Mike Cole gave a monthly update on the 2007 Revaluation Project. Mr. Cole stated that the months of December and January had been very good and that things are going well. He further stated that he feels the July deadline will be met. Commissioners Hincks and Brown had questions concerning how inspections on new homes are handled between the Inspections Department and Tax Office. Mr. Cole was to research the matter and respond to Commissioner's Hincks and Brown's questions.

The Board considered a vehicle tax appeal for Mr. Joseph Mark Edwards. Tax Administrator Kep Kepley told the Board that Mr. Edwards had requested an adjustment for a vehicle bill from 2000 in the amount of \$371.33. Once tags are turned into the North Carolina Division of Motor Vehicles, there is a one-year time period to request a prorated refund (per N.C.G.S. 105-330.6(b)). Mr. Kepley stated that since the tags were turned into the Department of Motor Vehicles in 2000, when the vehicle was sold, Mr. Edward's time for this type of request has past. County Attorney K. R. Hoyle stated that per General Statute, the Commissioners have no control over the issue since the matter is over one year old. The Board instructed Mr. Kepley to notify Mr. Edwards that the Board of Commissioners has no control over this matter due to the one-year time deadline. No action was taken on the matter.

Mr. Joe Cherry, Chairman of the Employee Selection Committee told Commissioners that Ms. Tonya Sloan, Health Check Coordinator with the Lee County Health Department had been selected as the January 2006 Employee of the Month. Chairman Hincks presented Ms. Sloan her awards which included a day off with pay, a star award, a framed certificate, a pizza from Papa John's Pizza, Coca Cola products from Sanford Coca Cola, and a movie rental from Movie Gallery. Ms. Sloan will be considered for the Employee of the Year Award in December.

The Board considered Investment Guidelines for the Lee County Economic Development Corporation. Economic Development Director Bob Heuts told the Board the revised Investment Guideline is a guideline, not a policy that will set a higher

standard. Mr. Heuts stated that the guideline has been approved by the City of Sanford and the Economic Development Board. After some discussion, Commissioner Brown moved to approve the Economic Development Investment Guidelines with the addition to add the governing boards to the list of exclusions to receive written consent if a company assigns the grant to another company. A copy of the Investment Guideline is attached to these minutes and by this reference made a part hereof. Upon a vote, the results were as follows:

Aye: Brown, Hincks, Lemmond, Paschal, Reives, and Stevens

Nay: Adams

The Chairman ruled the motion had been adopted by a six to one vote.

The Board considered funding for the Central Carolina Emergency Training Center. County Manager David Smitherman told the Board that representatives from the Community College had recently met with him to discuss shortfalls related to the construction of the Emergency Services Training Center project. Currently Lee County will contribute approximately \$425,000 to the project. In addition to this amount, the Community College anticipates the need for an additional \$450,000 due to the rising costs of construction materials. Mr. Smitherman stated that three options of proceeding with the project have been recommended which include the following:

1. County contributes an additional \$450,000 to complete the project as planned;
2. County contribution remains at current level (\$425,000) and Emergency Services offices be deleted from the project; or
3. County retain its \$425,000 and the project scope be modified to include fire service training scenarios and no permanent classroom/office facility

Mr. Smitherman stated that Community College personnel had no preference as to which option the County chooses to pursue. After some discussion, Commissioner Reives moved for the County to retain its committed contribution of \$425,000 for the Central Carolina Emergency Training Center, delete the Emergency Services offices and instruct the Community College to proceed with construction on the training scenarios. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens

Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Board considered an application to the N. C. Parks and Recreation Trust Fund (PARTF) for a grant to complete Phase II of the Tramway Road Park project. Parks and Recreation Director John Payne told the Board the grant has been completed and ready for submission, along with ten letters of support and two resolutions of support from the community. The Phase II project will include the following:

1. Construction of two additional little league fields;

2. Lighting of the baseball and softball fields completed in Phase I;
3. Expanding and paving the parking area;
4. Developing a paved walking trail; and
5. Installing playground features

Estimated cost of the project is \$1,197,150 with \$500,000 coming from the PARTF grant and \$697,150 in county funds. Should the grant not be approved, the County will have to fund an additional \$500,000 in addition to the \$697,150 already committed. Mr. Payne stated the grants will be awarded in May and July 2006. After some discussion, Commissioner Reives moved to approve the application for a PARTF grant for Phase II of the Tramway Road Park, a copy of which is attached to these minutes and by this reference made a part hereof. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens
Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Board considered a request from Mr. and Mrs. Russell Pearson to purchase a house and lot currently owned by the County at 417 San-Lee Drive. County Attorney K. R. Hoyle told the Board that Mr. and Mrs. Pearson have offered \$2,018.00 for the above mentioned property and the Board is being asked to declare the property surplus and begin the upset bid process. After some discussion, Commissioner Adams moved to declare the property surplus, and approve a resolution to enter into the upset bid process to dispose of the property, a copy of which is attached to these minutes and by this reference made a part hereof. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens
Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Board considered a contract for administration of the 2005 Community Development Block Grant (CDBG) Scattered Site Housing Assistance Project. County Manager David Smitherman told the Board that a bid was awarded to CMR Services, Inc. on January 26, 2005, but no contract has been submitted for consideration and no funding has been received from the Division of Community Assistance. County Attorney K. R. Hoyle recommends that action be taken to rescind the prior award, reject all bids and let the County Manager take steps to begin the project. Commissioner Adams moved to approve suspending the rules and adopt a resolution rescinding the bid from CMR Services, Inc., and reject all bids received in response to the Request for Proposals for consultant services for the 2005 CDBG Scattered Site Housing Assistance Project, a copy of which is attached to these minutes and by this reference made a part hereof. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Smitherman
Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Board discussed the upcoming 2007 Lee County Centennial. Mr. Don Buie appeared before the Board and stated that his committee made up of Dr. Lynn Sadler, Dr. Emory Sadler, and Mr. Marvin Gaster would like the County to take the lead on this project and appoint committees to work on different projects at different times so everyone is not working on the same thing. Mr. Buie asked that the Commissioners submit input from individuals from different districts to work with the committee. After some discussion, Commissioner Reives moved to appoint Commissioner Ed Paschal, County Attorney K. R. Hoyle, and private citizen Ms. Margaret Murchison to work with the lead committee on the 2007 Centennial Project. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens
Nay: None

The Chairman ruled the motion had been adopted unanimously.

Commissioner Reives asked for an update on Mental Health Reform. Commissioner Stevens, who represents the Lee County Board of Commissioners on the Mental Health Board, gave an update on current mental health issues. The Board agreed that it would be beneficial for Mr. Mike Watson, Director of the Sandhills Center to attend the February 6, 2006 meeting and give the Board an update.

The Board discussed the March 2005 Tax Office audit report submitted by Tax Administrator Kep Kepley. Mr. Kepley discussed all "pending" line items addressed in his written report submitted to the Board. After Mr. Kepley's presentation, the Board asked that he re-submit the report and indicate completion dates on all "pending" items or establish estimated completion dates and furnish a revised list to the County Manager's Office. No action was taken on the matter.

Ms. Susan Feindel, Chairperson of the Lee County Board of Elections, appeared before the Board. Ms. Feindel told the Board that the Commissioners do not have authority to change a recommendation made by the Board of Elections in reference to the purchase of new voting machines. The recommendation made the Board of Elections takes precedents over the Board of Commissioners recommendation. This discussion concerns a resolution approved by the Board of Commissioners during a special meeting held on January 20, 2006, concerning the purchase of new voting equipment. The Board of Elections had recommended a different type machine than what the Commissioners recommended. After some discussion, County Attorney K. R. Hoyle recommended that the Board take no action at this time but wait and see what action the State takes on the matter. No action was taken on the matter.

The Board considered appointments to the Rest Home-Nursing Home Advisory Board. Chairman Hincks moved that Mr. Joe Johnson be moved from the alternate position to a full time regular member, Mr. Wade Childress be appointed to serve as a full time regular member, and Ms. Frances Hall be appointed to serve as the alternate

member on the Rest Home-Nursing Home Advisory Board. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens
Nay: None

The Chairman ruled the motion had been adopted unanimously.

The Board considered an appointment to the Lee County Emergency Food and Shelter Board. Commissioner Lemmond stated that he would like to serve on this Board. By consensus, the Board agreed for Commissioner Lemmond to serve on the Lee County Emergency Food and Shelter Board.

The Board considered an appointment to the Lee County Library Board of Trustee. Commissioner Reives moved to accept the application from Ms. Barbara Turner to serve on the Lee County Library Board of Trustees. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens
Nay: None

The Chairman ruled the motion had been adopted unanimously.

Chairman Hincks moved to go into closed session to discuss matters relating to the location of a business per North Carolina General Statute 143-318.11(a) (4). After completing business in closed session, Chairman Hincks moved to go out of closed session. Upon a vote, the results were as follows:

Aye: Adams, Brown, Hincks, Lemmond, Paschal, Reives, and Stevens
Nay: None

The Chairman ruled the motion had been adopted unanimously.

Chairman Hincks recessed the meeting at 6:50 p.m. to the Lee County Courthouse for 7:00 p.m. joint public hearings with the Lee County Planning Board.

At 7:05 p.m. Chairman Hincks called the meeting to order in Courtroom #4 at the old Lee County Courthouse to hear joint public hearings as advertised with the Lee County Planning Board. Commissioners present included W. Chad Adams, Robert H. Brown, Herbert A. Hincks, Jerry M. Lemmond, Robert T. Reives, and Amy L. Stevens. Commissioner Nathan E. Paschal was absent.

Planner Ms. Althea Thompson outlined the first rezoning petition by Mr. Albert Adcock to rezone approximately 2.32 acres of land at 131 Amos Bridges Road from Residential Restricted district to Highway Commercial district.

Mr. Albert Adcock of 1414 Gormly Circle, Sanford, North Carolina, spoke in favor of the rezoning petition. Mr. Adcock stated that he owns the property in question but currently has no immediate plans for its development.

Mr. and Mrs. Charles Hann, 61 Post Oak Lane, Sanford, North Carolina, addressed their concerns to the rezoning request as to the already hazardous traffic flow of the nearest intersection and possibly changing the current nature of the neighborhood from quiet residential to general business/commercial, along with noise and safety issues. A copy of the Hann's concerns was distributed to Board members.

Ms. Thompson outlined the second rezoning request by Mr. Albert Adcock on behalf of ACA/PJA, LLC and Mack Simpson to rezone five lots on approximately 4.20 acres of land at 2329, 2333, and 2337 Jefferson Davis Highway.

Mr. Albert Adcock of 1414 Gormly Circle, Sanford, North Carolina, spoke in favor of the rezoning petition. Mr. Adcock stated that he owns the parcels in question but has no immediate plans for developing the property.

No one present spoke in opposition to the rezoning request.

Chairman Hincks closed the joint public hearings with the Lee County Planning Board at this time.

Chairman Hincks recessed the regular meeting to go into closed session to continue discussion concerning a personnel matter per North Carolina General Statute 143-318.11(a) (6), and to consult with the County Attorney to protect the attorney-client privilege per North Carolina General Statute 143-318.11(a) (3). The Commissioners retired to the Jurors Conference Room outside Courtroom #4 in the old Lee County Courthouse to continue discussion. All Commissioners were present with the exception of Commissioner Paschal. After completing business in closed session, Chairman Hincks moved to go out of closed session. Upon a vote, the results were as follows:

Aye:	Adams, Brown, Hincks, Lemmond, Reives, and Stevens
Nay:	None
Absent:	Paschal

The Chairman ruled the motion had been adopted unanimously.

Commissioner Lemmond moved for the County Manager to begin negotiations to find someone outside Lee County Government to oversee the 2007 Tax Revaluation Project. Upon a vote, the results were as follows:

Aye:	Adams, Brown, Hincks, Lemmond, Reives, and Stevens
Nay:	None
Absent:	Paschal

The Chairman ruled the motion had been adopted unanimously.

With no further business to come before the Board, Commissioner Lemmond moved to adjourn the meeting. Upon a vote, the results were as follows:

Aye:	Adams, Brown, Hincks, Lemmond, Reives, and Stevens
Nay:	None
Absent:	Paschal

The Chairman ruled the motion had been adopted unanimously and the meeting adjourned in keeping with the motion.

Herbert A. Hincks, Chairman

ATTEST:

Gaynell M. Lee, Clerk